

FILE COPY

BEFORE THE STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF
THE INVESTIGATION OF

LA VERNE F. COOK, R.L.S., and
ROBERT N. RETZLAFF, R.L.S.,
LICENSEES.

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MEMORANDUM AND ORDER ON
SETTLEMENT CONFERENCE

To: Robert B. Peregrine
Attorney at Law
633 West Wisconsin Avenue
Milwaukee, WI 53203

Sherry Steffel
Attorney at Law
1400 East Washington Avenue
P. O. Box 8935
Madison, WI 53708

A settlement conference was conducted in the above-captioned matter before the Land Surveyors Section of the examining board on October 19, 1988. The purpose of the conference was to provide all interested parties with an opportunity to discuss allegations received pertaining to the practice of Mr. Cook and Mr. Retzlaff as registered land surveyors, and to attempt to reach a fair resolution of the matter.

Presiding over the conference was Donald L. Paulson, Chairman of the Land Surveyors Section. Also present were other members of the section, the board's legal counsel, and Attorney Sherry Steffel of the department's Division of Enforcement, who was present to provide information concerning the allegations against the licensees. Mr. Cook and Mr. Retzlaff appeared personally and by their attorney, Robert B. Peregrine.

The parties orally presented their respective positions regarding the matter to the section, and the section deliberated on a possible disposition of the matter. The section thereafter presented to Mr. Cook and Mr. Retzlaff a proposed stipulation. The Stipulation, a copy of which is attached hereto and made a part hereof, was ultimately executed by Mr. Peregrine, Mr. Cook, Mr. Retzlaff, Mr. Paulson, and Ms. Steffel.

Based upon the proceedings at the conference, and upon the Stipulation of the parties, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that LaVerne F. Cook, R.L.S., and Robert N. Retzlaff, R.L.S., be, and hereby are, reprimanded.

Dated at Madison, Wisconsin this 28th day of November, 1988.

STATE OF WISCONSIN EXAMINING BOARD
OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND LAND SURVEYORS

by

Donald L. Paulson

Donald L. Paulson, R.L.S., P.E.
Chairman, Land Surveyors Section

BEFORE THE STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF THE	:	
INVESTIGATION OF	:	
LaVerne F. Cook, R.L.S. &	:	STIPULATION
Robert N. Retzlaff, R.L.S.	:	
Licensees.	:	

LaVerne F. Cook and Robert N. Retzlaff and the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land Surveyors Section, having reached an agreement for disposition of the informal complaint identified as 87 LSR 18, stipulate and agree as follows:

1. This Stipulation shall be included as part of a Memorandum and Order on Settlement Conference to be issued by the board, and all the terms of this Stipulation shall be binding on Licensees as a part of the board's order.

2. This Stipulation and the board's order shall be placed in the licensees' permanent files in the board's records, and may be used if there are subsequent complaints against either of them.

3. LaVerne F. Cook, R.L.S. (Cook), N80 14936 Mahatten Drive, Menomonie Falls, Wisconsin 53051, is licensed as a registered land surveyor in Wisconsin by license #998.

4. Robert N. Retzlaff, R.L.S. (Retzlaff), 4842 North 88th Street, Milwaukee, Wisconsin, is licensed as a registered land surveyor in Wisconsin by license #1035.

5. Both Cook and Retzlaff are principals of Regional Consulting Engineers, Inc. (Regional), 4842 North 88th Street, Milwaukee, Wisconsin 53225.

6. Between August, 1983, and June, 1986, Cook and Retzlaff each performed a number of surveys in the City of Wauwatosa as employees of Regional. Each of these surveys was what is commonly referred to as a "mortgage survey", and each was subject to an agreement to exclude surveying work included within the requirements of Wis. Adm. Code ch. A-E 7 (formerly A-E 5) as follows:

"By signature below, Regional Consulting Engineers, Inc. and [client] do hereby agree to omit the restoration of missing property corners from surveys performed as a part of the mortgage loan process.

With the exception of the restoration of missing lot corners, all surveys shall conform to applicable provisions of Wisconsin State Statutes governing land surveying."

7. Each of the surveys referenced in paragraph 6, above, the maps of which are attached hereto and made a part hereof, failed in some manner to meet those requirements of Wis. Adm. Code ch. A-E 7 not specifically waived by the survey agreements.

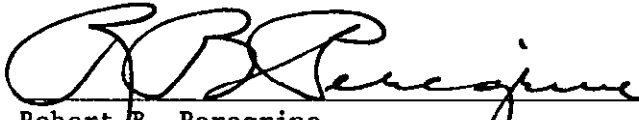
8. None of the survey maps referenced herein were filed in the office of the Milwaukee County Register of Deeds and in the office of the Regional Planning Commission, as required by Wis. Stats. sec. 59.60(2).

9. The errors and omissions set forth in paragraph 7, above, constitute the preparation of deficient plans, drawings, specifications or reports, within the meaning of Wis. Adm. Code sec. A-E 8.03(3)(b).

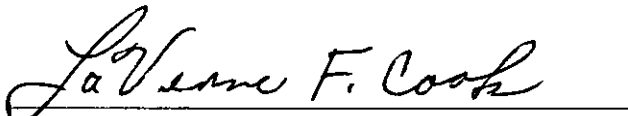
10. In failing to file the survey maps referenced herein in the office of the Milwaukee County Register of Deeds and the office of the Regional Planning Commission, as required by sec. 59.60(2), Stats., Cook and Retzlaff have violated a state law relating to land surveying, in violation of Wis. Adm. Code sec. A-E 8.03(3)(a).

11. The parties agree that the appropriate discipline to be imposed based on the conduct set forth herein is a public reprimand.

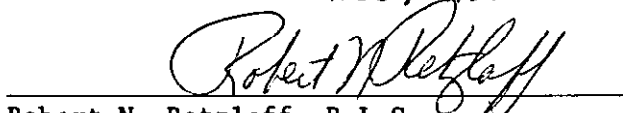
Dated at Milwaukee, Wisconsin this 2nd day of November, 1988.


Robert B. Peregrine
Attorney for Mr. Cook and Mr. Retzlaff


Dated at Milwaukee, Wisconsin this 2nd day of November, 1988.


LaVerne F. Cook, R.L.S.

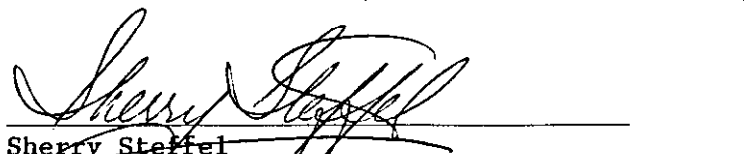
Dated at ~~Milwaukee~~ ^{Menomonee Falls}, Wisconsin this 3rd day of November, 1988.


Robert N. Retzlaff, R.L.S.

Dated at ^{Madison} ~~Milwaukee~~, Wisconsin this ¹⁰ 3rd day of November, 1988.


Donald L. Paulson, R.L.S., P.E.
Chairman, Land Surveyors Section

Dated at Madison, Wisconsin this 11th day of November, 1988.


Sherry Steffel
Attorney, Department of Regulation & Licensing